

Message

From: Minter, Douglas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0C1A47CA3AE847E2B7B818DA4734D7FD-MINTER, DOUGLAS]
Sent: 9/4/2015 5:26:26 PM
To: Shea, Valois [Shea.Valois@epa.gov]
Subject: RE: Lakota Sioux miffed by uranium hearing process in Nebraska - From the Rapid City Journal - 8.31.2015

Wonderful...thanks!

From: Shea, Valois
Sent: Friday, September 04, 2015 10:41 AM
To: Minter, Douglas
Subject: RE: Lakota Sioux miffed by uranium hearing process in Nebraska - From the Rapid City Journal - 8.31.2015

Yes. I used the boiler plate that Region 3 provided about a year ago. It was well-researched & fit our needs really well. I could provide you with tables of contents that include all the topics that you can search on. I have the Class III ones completed – just want to recheck the Class III permit table of contents. I hope to finish up Class V today.

Valois

Valois Shea
U.S. EPA Region 8
MailCode: 8P-W-UIC
1595 Wynkoop Street
Denver, CO 80202-1129
Phone: (303) 312-6276
Fax: (303) 312-6741
Email: shea.valois@epa.gov

From: Minter, Douglas
Sent: Friday, September 04, 2015 9:23 AM
To: Shea, Valois
Subject: FW: Lakota Sioux miffed by uranium hearing process in Nebraska - From the Rapid City Journal - 8.31.2015

Valois: in reading the end of the last article below, I cannot recall if our deep disposal permits addressed the potential for induced seismicity? I would expect someone to raise this during the comment period, even if there is no data supporting such a claim.

At some point, I want to reread all of the permits, etc. so I don't have to ask you these questions!

Douglas

From: Markley, Bill [<mailto:Bill.Markley@state.sd.us>]
Sent: Thursday, September 03, 2015 2:57 PM
To: Minter, Douglas; Shea, Valois
Subject: FW: Lakota Sioux miffed by uranium hearing process in Nebraska - From the Rapid City Journal - 8.31.2015

FYI

From: Tollefsrud, Tim
Sent: Tuesday, September 01, 2015 8:02 AM
To: DENR DES ADMINISTRATORS
Subject: FW: Lakota Sioux miffed by uranium hearing process in Nebraska - From the Rapid City Journal - 8.31.2015

From: Nadenicek, Joe
Sent: Monday, August 31, 2015 3:47 PM
To: DENR SECRETARY'S OFFICE; Townsend, Bob
Subject: Lakota Sioux miffed by uranium hearing process in Nebraska - From the Rapid City Journal - 8.31.2015

Lakota Sioux miffed by uranium hearing process in Nebraska

August 30, 2015 7:30 am • Kerri Rempp Chadron Record - http://rapidcityjournal.com/news/local/lakota-sioux-miffed-by-uranium-hearing-process-in-nebraska/article_289ea8bd-1ec3-5fc9-8fc6-626b9c4431bf.html

CRAWFORD, NEB. | A full week of testimony debating the merits of renewing the Crow Butte Resources uranium mining license wrapped up Friday before the Atomic Safety Board with a discussion on whether Native American concerns were sufficiently taken into account.

Three judges of the Atomic Safety Board convened the hearing in Crawford last week to take testimony on nine contentions brought forward by opponents of the uranium mine. Additional testimony will be heard during a telephonic hearing at a later date, according to statements made by Judge Michael Gibson Friday.

Crow Butte's operational license expired in 2007, and it has been operating on a temporary license since then, while the Nuclear Regulatory Commission reviewed its renewal application.

The NRC granted the renewal license last fall, but because the Oglala Sioux Tribe and 11 other individuals and organizations, referred to as the Consolidated Interveners, object to the license, the Atomic Safety Board scheduled its own hearings and will render a final decision at a later date.

The operating in-situ mine is similar to one proposed for an area near Edgemont. That mine proposal, put forward by Powertech Corp., is known as the Dewey-Burdoch mine, and it faces similar questions by opponents, but also has some local support in southwestern South Dakota.

While previous testimony raised concerns about water quality and potential contamination, Friday's testimony focused on cultural and archeological surveys at the Crow Butte mine site, with the Oglala Sioux Tribe contending that the Nuclear Regulatory Commission failed to include its members in discussions and did not allow for an adequate survey of the site.

Michael Catches Enemy, a witness for the Sioux Tribe, said the Tribal Historical Preservation Office often had only one representative at the meetings, compared with two or three project managers from the NRC, as they discussed up to five sites. He called the process confusing and contends that negotiations with the NRC broke down because the tribe was handed an ultimatum of "participate or not."

"The applicant's (Crow Butte Resources) proposal was the one that was going to be forced on the tribes," he said.

Initial plans called for a more structured approach to tribal inspection, but in October 2012, the NRC notified the tribe that it was implementing the open site method instead and that the mine would allow them access for two weeks during that November.

"We made the conclusion that the statement of work was not in the best interest of the tribes," said Nathan Goodman, the NRC project manager, leading the NRC to ask Crow Butte to allow the open site inspection. "It gives them access to 100 percent of the site without the restrictions of a phased approach."

But two weeks is insufficient for the tribe, said Catches Enemy, because such a study is "based on a different cultural mindset." The spiritual, cultural and archeological requirements of a full survey could take years, he said. Several different tribes may have a connection to the area and may need access to the land in different seasons. In addition, there may be spiritual ceremonies to perform and tribal elders to consult with, he explained.

Catches Enemy also disputed the reliance of studies done in the early 1980s before Crow Butte began mining the area, saying the archeological studies focused only on tangible materials from one single period of history. Sites of spiritual significance were not identified, and materials from other historical periods, such as those found at nearby Hudson Meng from 11,000 years ago, were not sought out.

Testimony throughout the rest of the week focused mainly on water safety, both in the Nebraska Panhandle and on the Pine Ridge Reservation.

Charmaine White Face testified for the OST and Consolidated Interveners that samples from five reservation wells taken in 2014 show, in her opinion, an unusual level of mined uranium and thorium, though she admitted she had no concrete evidence that the contamination was caused by Crow Butte Resources.

Debra White Plume testified, "I have no evidence in terms of Western science that the contamination is from Crow Butte Resources, but I know what I know."

Copyright 2015 Rapid City Journal.

From: Nadenicek, Joe

Sent: Wednesday, August 26, 2015 7:34 AM

To: DENR SECRETARY'S OFFICE; Townsend, Bob

Subject: Nebraska in-situ mine opponents sound off in hearing - From the Rapid City Journal - 8.26.2015

Nebraska in-situ mine opponents sound off in hearing

8/26/2015 • Kerri Rempp Chadron Record - http://rapidcityjournal.com/news/local/nebraska-in-situ-mine-opponents-sound-off-in-hearing/article_e465a244-e31c-517f-a553-908d2c1fc84e.html

Opponents of an existing in-situ uranium mine in northwestern Nebraska are testifying this week during a hearing to determine if the mine near Crawford should receive a renewed permit to continue operating.

More than a dozen witnesses began testifying about the impact of the Crow Butte Mine on the area's water resources Monday, with hydrology scheduled to be the focus of a hearing before the Atomic Safety Board through today.

Three judges of the Atomic Safety Board convened the hearing in Crawford this week to take testimony on nine contentions brought forward by opponents of the uranium mine. At stake is the mine's license to continue to operate south of Crawford.

The mine is similar in nature to a proposed in-situ uranium mine near Edgemont, S.D., that is currently undergoing the federal permitting process.

Crow Butte's operational license expired in 2007, and it has been operating on a temporary license since then after the Nuclear Regulatory Commission reviewed its renewal application. The NRC granted the renewal license last fall, but because the Oglala Sioux Tribe and 11 other individuals and organizations, referred to as the Consolidated Interveners, object to the license, the Atomic Safety Board scheduled its own hearings.

Monday's hydrology testimony began with general questions regarding the Pierre Shale formation, Crow Butte Mine's well field design and the surface water that runs through the mine's operational territory, which includes at least three tributaries of the White River.

Among the intervenor contentions are that the NRC has understated the chance for a spill or contamination of groundwater at the mine; that the research used in the permit application is outdated; that the mine does not adequately protect the White River; and that the permit application does not adequately address groundwater mitigation measures if needed.

The hearings are expected to last through the week. After testimony on hydrology concludes, testimony on contentions that deal with other scientific matters will be heard today and Thursday.

The hearings are scheduled to wrap up Thursday and Friday with witnesses regarding historical and cultural objections.

When it eventually issues its ruling, the Atomic Safety Board could uphold Crow Butte's license renewal, place restrictions or conditions on the license, or deem the environmental impact study deficient.

Part of Monday was also dedicated to testimony by Dr. Louis Redmond on behalf of the Oglala Sioux Tribe and the Consolidated Interveners. Due to a scheduling conflict, Redmond will be unavailable later this week to discuss historical and cultural impacts, and the Atomic Safety Board accommodated his request to testify early.

Redmond said the presence of Crow Butte Mine prohibits Native Americans from accessing traditional tribal lands and noted that Cameco representatives attempted to engage in discussions with tribal elders in a "government-to-government" dialogue, despite the fact that the company obviously is not a government entity.

In addition, Redmond said there are at least six locations within the renewal area that should have additional sub-surface testing for archeological purposes. Two of those locations have had only surface or visual tests, while one location was outside of the original licensed area in the 1980s but is now part of the mine's geographical boundaries, Redmond contended.

"What was done in 1987 is not sufficient for what's being done today," he said, referring to studies conducted in 1987 before the mine initially began operations.

Mine opponents contentions

Here is a summary of why opponents of the Crow Butte uranium mine near Crawford think it should not get a renewed permit:

- There is no evidence-based science for the NRC's conclusion that in-situ mining has "no non-radiological health impacts," or that non-radiological impacts for possible excursions or spills are "small."
- The NRC's characterization that the impact of surface waters from an accident is "minimal since there are no nearby surface water features," does not accurately address the potential for harm to the White River.
- The NRC incorrectly states there is no connection among the aquifers, such as the Basal Chadron aquifer where mining occurs, and the aquifer that provides drinking water to the Pine Ridge Indian Reservation. This could result in the possibility of contamination, and so the environmental impact study should be expanded to include impacts on drinking water at the reservation.
- There is a failure to include recent research.
- Cultural surveys conducted were insufficient.
- The environmental study violates the National Environmental Policy Act in concluding that the short-term impacts from consumptive groundwater use during aquifer restoration are moderate.
- The environmental study fails to include a required discussion of groundwater restoration mitigation measures.
- The environmental study omits a discussion of the impact of tornadoes on the mine and inadequately addresses the potential impacts from the land application of in-situ wastewater.
- The environmental study fails to provide an analysis of the impacts from earthquakes.

